

## UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXAS**FILED**

April 02, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASUnited States of America  
v.BY: CD  
DEPUTY

Case No. SA-21-MJ-393

ANDRES ANTONIO PONCE

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 1, 2021 in the county of BEXAR in the  
WESTERN District of TEXAS, the defendant(s) violated:*Code Section**Offense Description*

18 USC § 2251(a)

Production of Child Pornography, 18 U.S.C. 2251(a):

15 years to 30 years imprisonment; \$250,000 fine; 5 years to Lifetime Supervised Release; \$100 Special Assessment (CVRA); \$5,000 assessment (JVTA); Up to \$50,000 assessment (AVAA); Minimum \$3,000 restitution per victim, maximum amount TBD; Sex Offender Registration

18 U.S.C. § 2252A (a) (4) (B)

Possession of Child Pornography, 18 U.S.C. 2252(a)(4)(B)

Maximum 20 years imprisonment; \$250,000 fine; 5 years to Lifetime Supervised Release; \$100 Special Assessment (CVRA); \$5,000 assessment (JVTA); Up to \$17,000 assessment (AVAA); Minimum \$3,000 restitution per victim, maximum amount TBD; Sex Offender Registration

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.FREDERICK R MANGONA Digitally signed by FREDERICK R MANGONA  
Date: 2021.04.02 08:17:43 -05'00'*Complainant's signature*

Frederick Mangona, HSI Special Agent

*Printed name and title*

- ☐
- Sworn to before me and signed in my presence.
- 
- ☒
- Sworn to telephonically and signed electronically.

Date: 4/2/2021City and state: San Antonio, Texas*Judge's signature*

Elizabeth S. Chestney, U.S. Magistrate Judge

*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Frederick Mangona, being duly sworn, depose and say that:

1. I am a Special Agent (SA) with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) in San Antonio, Texas and have been so employed for over eleven (11) years. I am currently assigned to the San Antonio Cyber Crimes and Child Exploitation Group. I was previously employed as a United States Border Patrol Agent in Kingsville, Texas, and Detroit, Michigan for almost seven (7) years. I have received training at the Federal Law Enforcement Training Center, where I successfully completed the Federal Law Enforcement Criminal Investigator Training Program and the Immigration and Customs Special Agent Training program. While employed by HSI, I have investigated federal criminal violations related to cyber technology or cybercrime, child exploitation and child pornography. I have gained experience through training and everyday work relating to conducting child exploitation investigations. I have received training in the area of child exploitation and child pornography and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Your Affiant's experiences as a Special Agent include, but are not limited to, conducting investigations, executing arrest warrants, executing search warrants, collecting evidence, and interviewing witnesses. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A. Further, as a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

2. This affidavit is submitted in support of a Criminal Complaint for **Andres Antonio Ponce**.

3. The factual information supplied in this affidavit is based upon your Affiant's own

investigation of this matter, as well as information provided by other law enforcement officers. Since this affidavit is submitted for the purpose of securing a criminal complaint, it does not include every fact known to the Affiant concerning this investigation. The Affiant has set forth facts he believes establish probable cause to believe that **Andres Antonio Ponce** has violated the provisions of of Title 18, U.S.C., Sections 2251 and 2252(a)(4)(B), Production of Child Pornography and Possession of Child Pornography, respectively.

#### **PROBABLE CAUSE**

4. On November 24, 2020 Google LLC reported to the National Center for Missing and Exploited Children (NCMEC) what they believed to be child pornography stored on their Google Drive cloud file storage and synchronization service. Google LLC provided the following account identifiers associated with the Google account user saving child pornography: **Andres PONCE** with mobile phone number **512-284-2440**, and email address [keepsafe5332@gmail.com](mailto:keepsafe5332@gmail.com). Additionally, Google LLC provided the following log in **IP Addresses** associated with the account: **2600:1700:92C0:2DE0:458D:E182:227D:1981** and **2600:1700:92c0:2de0:68a1:f645:5f5:8cda**.

5. According to AT&T Communications, Inc., the above captioned IP Addresses were assigned to the residence at **3306 Edge View, San Antonio, Texas**.

6. On April 1, 2021, federal agents with the Homeland Security Investigations, executed a search warrant at **3306 Edge View, San Antonio, Texas**, as part of the ongoing investigation involving the production and possession of child pornography. Pursuant to the execution of the search warrant, **PONCE**'s personal cell phone was seized and the preliminary forensic review revealed the following identifying data.

Username: Andres Ponce

Email: [Andresp2012@gmail.com](mailto:Andresp2012@gmail.com)

Model name: Galaxy S20 5G

Model Number: SM-G981U

Serial Number: RFCN80JD3GW

IMEI: 355611112663682

Additionally, the preliminary forensic review of the device revealed the presence of materials memorializing the sexual abuse of children. A description of some of the files are:

- I. A collage of video stills containing approximately 30 images located in the Gallery/Albums/Recovered Folder.  
On top of the image it states:  
File name: Child 4 yo (fuck pussy and anal).mpg  
File size: 214 MB (225422780 bytes)  
Duration: 21 Minutes and 16 Seconds  
Description: an adult male penis is penetrating the vagina and anus of a pre-pubescent female child.
- II. A collage of video stills containing approximately 24 images located in the Gallery/Albums/Recovered Folder.  
On top of the image it states:  
File name: HMM-marisa 13.avi  
File size: 120 MB (126779392 bytes)  
Resolution: 720x480  
Duration: 3 Minutes and 4 Seconds  
Media Player: Classic  
Description: the images include an adult male's penis orally penetrating a prepubescent child.
- III. A collage of video stills containing approximately 24 images located in the Gallery/Albums/Recovered Folder.  
On top of the image it states:  
File name: 2010 ALD – 5 yo willing fuck suck full penetration.avi  
File size: 15MB (16507302 bytes)  
Resolution: 640x480

Duration: 3 Minutes and 33 seconds

Media Player: Classic

Description: an adult male's penis is orally and vaginally penetrating a pre-pubescent female child.

7. Following the reading of his constitutional and statutory rights and warnings, which **PONCE** stated he understood, **PONCE** voluntarily participated in an interview with your affiant and HSI Special Agent Rigoberto Garza.

a. During the interview, **PONCE** stated that in approximately 2017 he used a **Samsung Galaxy S5 Active** to produce a video file of himself and his prepubescent female cousin wherein he caressed her buttocks and pubic area, and exposed his semi-erect penis which made contact with the child's buttocks. He described the child's clothing as dark shorts and dark shirt slightly lifted. According to **PONCE**, this device has been disposed of due to age, but he saved the file using his Google Drive account. He recalls the email address associated with his account includes the phrase "**keepsafe.**" **PONCE** has described one of the videos forwarded to NCMEC by Google LLC. Specifically, Filename: Google-CT-RPT-40239cf979b9f5810b187642afcce889 20170514\_184356.mp4; MD5: 483cd103aba66511cc44c82e553c8e23. The 51 second-video depicts **PONCE** crouched behind and between the legs of a clothed minor female laying on her stomach on a bed. **PONCE** is lasciviously touching and caressing the buttocks of the child while simulating genital to anal/genital sexual intercourse ("dry humping"). It should be noted, **PONCE**'s mother recognized the blanket depicted in the video as a blanket that had been in their home.

b. Additionally, **PONCE** stated he produced several image files containing videos and photographs of prepubescent or pubescent females that stay overnight at his residence. These children were either his half-sister's friends and/or relatives that often sleep in the loft area on the second floor of the residence. He recalled one such video produced sometime in 2018 or 2019. According to **PONCE**, during these overnight visits he would put his hands in a sleeping child's vaginal area, especially when the little girls were wearing shorts. **PONCE** told agents there were instances when his exposed penis made contact

with the child.

**CONCLUSION**

8. Based on the facts as stated in this document, there is probable cause to believe that **Andres Antonio Ponce** has committed the federal offenses of Production of Child Pornography and Possession of Child Pornography, in violation of Title 18, United States Code, Sections 2251(a) and 2252(a)(4)(B).

9. I respectfully request that the Court issue a Criminal Complaint for **Andres Antonio Ponce**.

FREDERICK R MANGONA  
Digitally signed by  
FREDERICK R MANGONA  
Date: 2021.04.02 08:19:44  
-05'00'

Special Agent Frederick Mangona  
DHS-ICE

Sworn to and subscribed before me this 2nd day of April, 2021.

  
\_\_\_\_\_  
THE HONORABLE ELIZABETH S. CHESTNEY  
UNITED STATES MAGISTRATE JUDGE